IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:		)	
	BI ET AL.	)	
		)	Examiner P. Desir
Appl. No.	10/749,021	)	
		)	Art Unit 2681
Confirm. No.	8438	)	
		)	Atty. Docket No. CS23442RL
Filed:	30 December 2003	)	

Title: "Broadcast/Multicast Services In Wireless Communications Networks"

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Request for Review & Claims Pending

The application is subject to final Office action of 10 December 2008. Pre-appeal brief review is respectfully requested. A notice of appeal has been filed concurrently. The claims have not been amended subsequent to the mailing of the final Office action. Claims 20-23, 25 and 27-37 are pending.

Arguments re: Khayrallah & Fairman

Claims 20-23 and 25 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2003/0200499 (Khayrallah) in view of U.S. Patent No. 6,996,722 (Fairman).

Regarding Claim 20, Khayrallah and Fairman fail to suggest a

... method in wireless communications device, the method comprising:

receiving a message identifying a channel on which content will be transmitted;

receiving first layer content information on a first channel;

receiving second layer content information on a second channel,

at least one of the first and second channels identified in the message,

the first and second layer content information is encrypted,

decrypting the first layer content information with a first key,

decrypting the second layer content information with a second key that is different than the first key.

The Examiner's assertion that the bit streams of Khayrallah are encrypted is erroneous. The bit streams in Khayrallah are error correction coded, not encrypted. Encryption is a process of transforming information so that it is undecipherable without a decryption key. Error correction coding is used to maintain the integrity of data transmitted over a noisy channel by transmitting redundant information. Khayrallah does not disclose encryption. At paragraph [0022], referenced by the Examiner, Khayrallah describes how forward error correction (FEC) enables a receiver to reconstruct information with less than all of the originally encoded symbols.

The Examiner concedes that Khayrallah does not disclose the use of separate keys to decrypt the different channels. As noted above, however, Khayrallah does disclose any encryption. Fairman discloses the use of different keys for decrypting different application data units (ADUs), which are based on application level entities, for example, minutes of video content delivered from a server. Fairman does not remedy the deficiencies of Khayrallah. Khayrallah is concerned with providing redundancy by error correction coding. Khayrallah does not disclose encryption. The object of Fairman is to maintain a record of keys generated in the subscriber terminal to track the received ADUs, which are indicative of the quality of service. Thus one skilled in the art would not be

motivated to use separate keys to decrypt content on different channels. Claim 20 is thus distinguished over the art.

Arguments re: Khayrallah, Ranta-Aho & Fairman

Claims 27-30, 32 and 34-37 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2003/0200499 (Khayrallah) in view of U.S. Publication No. 2004/0081125 (Ranta-Aho) U.S. Patent No. 6,996,722 (Fairman).

Regarding Claim 27, the prior art fails to suggest a

> ... method in wireless communications network infrastructure entity, the method comprising:
> transmitting first layer broadcast/multicast service content information on a first channel;
> transmitting second layer broadcast/multicast service content information on a second channel,
> the first and second channels are downlink channels, at least one of the first and second channels is a shared broadcast channel,
> the first layer broadcast/multicast service content information related to the second layer broadcast/multicast service content information;
> encrypting the first and second layer broadcast/multicast service content information using different encryption keys before transmitting.

The Examiner's assertion that the bit streams of Khayrallah are encrypted is erroneous. The bit streams in Khayrallah are error correction coded, not encrypted. Encryption is a process of transforming information so that it is undecipherable without a decryption key. Error correction coding is used to maintain the integrity of data transmitted over a noisy channel by transmitting redundant information. Khayrallah does not disclose encryption. At paragraph [0022], referenced by the Examiner, Khayrallah describes how forward error

BI ET AL.
"Broadcast/Multicast Services In Wireless
Communications Networks"
Atty. Docket No. CS23442RL

Appl. No. 10/749,021
Confirm. No. 8438
Examiner P. Desir
Art Unit 2681

correction (FEC) enables a receiver to reconstruct information with less than all of the originally encoded symbols.

The Examiner concedes that Khayrallah does not disclose a shared broadcast channel and the use of different encryption keys on different channels. Ranta-Aho's disclosure of a shared channel for multicast content does not remedy the deficiencies of Khayrallah. As noted above, Khayrallah does not use any encryption. Ranta-Aho discloses providing soft handover for multicast content. Khayrallah is concerned with providing redundancy by error correction coding, not encryption. The object of Fairman is to maintain a record of keys generated in the subscriber terminal to track the received ADUs. Thus there is no reason to combine Khayrallah, Ranta-Aho and Fairman as suggested. Claim 27 is thus distinguished over the art.

Regarding Claim 36, the prior art fails to suggest a

> ... method in broadcast/multicast subscriber device, the method comprising:
> receiving first layer content information on a first channel;
> receiving second layer content information on a second channel,
> at least one of the first and second channels a shared broadcast channel,
> decrypting the first layer content information with a first key and decrypting the second layer content information with a second key that is different than the first key.

The Examiner's suggestion that Khayrallah discloses encryption is erroneous. Error correction coding is not encryption. Error correction coding is used to maintain the integrity of data transmitted over a noisy channel by transmitting redundant information. Encryption is a process of transforming information so that it is undecipherable without a decryption key. The bit streams in Khayrallah are error correction coded, not encrypted.

4

BI ET AL.
"Broadcast/Multicast Services In Wireless
Communications Networks"
Atty. Docket No. CS23442RL

Appl. No. 10/749,021
Confirm. No. 8438
Examiner P. Desir
Art Unit 2681

The Examiner concedes that Khayrallah does not disclose a shared broadcast channel and decrypting different channels received at the mobile terminal. Ranta-Aho discloses providing soft handover for multicast content. Ranta-Aho's disclosure of a shared channel for multicast content does not remedy the deficiencies of Khayrallah. As noted above, Khayrallah does not use any encryption. Khayrallah is concerned with providing redundancy by error correction coding, not encryption. The object of Fairman is to maintain a record of keys generated in the subscriber terminal to track the received ADUs. Thus there is no reason to combine Khayrallah, Ranta-Aho and Fairman as suggested. Claim 36 is thus distinguished over the art.

Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and allow this application to issue as a United States Patent without delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

_____

ROLAND K. BOWLER II   25 FEB. 2009
REG. NO. 33,477

MOTOROLA, INC.
INTELLECTUAL PROPERTY DEPT. (RKB)
600 NORTH U.S. HIGHWAY 45, W4-37Q
LIBERTYVILLE, ILLINOIS 60048

TELEPHONE NO. (847) 523-3978
FACSIMILE NO. (847) 523-2350